

Notice of Allowability	Application No.	Applicant(s)	
	09/785,240	HART, MATTHEW THOMAS	
	Examiner	Art Unit	
	AZIZUL CHOUDHURY	2453	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/30/2011.
2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
3. ☒ The allowed claim(s) is/are 9-11, 21-23, 33-35, and 37-43.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>12/30/2011</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>11/30/2011</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

/Azizul Choudhury/
Examiner, Art Unit 2453

/Krista M. Zele/
Supervisory Patent Examiner, Art Unit 2453

Allowance

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/30/2011 has been entered.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas J. Frame on December 16, 2011.

The application has been amended as follows:

9. (Currently Amended) A computer program product comprising logic encoded in one or more non-transitory media that includes code for execution and when executed by one or more processors is operable for processing received e-mail messages for a plurality of addressees to: (i) receive an e-mail message and to apply at least one test to identify a received e-mail message as a potentially unwanted e-mail message; and (ii) forward said potentially unwanted e-mail message to its addressee together with a prompt for said addressee to provide feedback as to whether or not said received e-mail message is an unwanted e-mail message; wherein a rule associated with receiving said e-mail is added if a threshold of a predetermined number of votes, received as the provided feedback from said addressees, positively identifies said potentially unwanted e-mail message as an unwanted e-mail message; wherein a scoring algorithm responsive to identification of predetermined words within said received e-mail message and a message size of said received e-mail message is used to identify said received e-mail message as a potentially unwanted e-mail message.

21. (Currently Amended) A method of processing received e-mail messages for a plurality of addressees, said method comprising the steps of: (i) receiving an e-mail message and to apply at least one test to identify a received e-mail message as a potentially unwanted e-mail message; and (ii) forwarding said potentially unwanted e-

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mail message to its addressee together with a prompt for said addressee to provide feedback as to whether or not said received e-mail message is an unwanted e-mail message; wherein a rule associated with e-mail filtering logic is added if a threshold of a predetermined number of votes, received as the provided feedback from said addressees, positively identifies said potentially unwanted e-mail message as an unwanted e-mail message; wherein a scoring algorithm is utilized responsive to identification of predetermined words within said received e-mail message and a message size of said received e-mail message to identify said received e-mail message as a potentially unwanted e-mail message.

33. (Currently Amended) Apparatus for processing received e-mail messages for a plurality of addressees, said apparatus comprising: (i) an e-mail filter operable to receive an e-mail message and to apply at least one test to identify a received e-mail message as a potentially unwanted e-mail message; and (ii) a message forwarder operable to forward said potentially unwanted e-mail message to its addressee together with a prompt for said addressee to provide feedback as to whether or not said received e-mail message is an unwanted e-mail message; wherein a rule associated with e-mail filtering logic is added if a threshold of a predetermined number of votes, received as the provided feedback from said addressees, positively identifies said potentially unwanted e-mail message as an unwanted e-mail message; wherein said e-mail filter uses a scoring algorithm responsive to identification of predetermined words within said

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received e-mail message and a message size of said received e-mail message to identify said received e-mail message as a potentially unwanted e-mail message.

Allowable Subject Matter

Claims 9-11, 21-23, 33-35, and 37-43 are allowed.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: The Board of Appeals decided that the rejection of claims 9-11, 21-23, 33-35, and 37-43 is reversed. In addition, the Board applied a 101 rejection to claims 9-11 and 37-43. The newly amended claims overcome that 101 rejection. Furthermore, no prior art could be found to teach all of the claimed limitations.

While email systems that filter unwanted/junk/spam emails exist, none could be found to do so in the claimed manner. For instance, patent 6,023,723 teaches an email system that allows users to enter addresses into white (wanted) and black (unwanted) lists. The system also allows for waiting (undetermined) list. However, this email system does not allow for a number of votes/feedback to reach a threshold/score until it is deemed unwanted.

In another example, patent 6,052,709 also teaches an email system that detects unsolicited emails. However, this system detects and warns of unsolicited emails within the system itself and not based on user feedback/votes.

Patent 6,167,434 is another example of an email system allowing for junk email detection. In particular, this email system enables a user to respond to the junk email so that they are removed from the junk email's mailing list. However this system fails to allow a plurality of users to vote until a threshold is reached so that the email is blocked.

Patent 6,321,267 is an email system that blocks junk email. This email system blocks emails based on various criteria within the system itself, such as IP address, sender's address validity or header filtering. However the system too fails to allow a plurality of users to vote until a threshold is reached so that the email is blocked.

Patent 6,330,590 is another email block system wherein bulk mailings are detected when there are at least two e-mail messages identified containing the same non-address contents being sent to different e-mail addresses. A checksum using a 16-bit cyclic redundancy check is used to determine which emails to block. However blocking is not determined based on a threshold of user votes.

The email system of patent 6,453,327 blocks emails based on feedback from trusted users. That is if the trusted user classifies an email as being junk, the system classifies it as junk. While this email system does permit the counting of the number of users who classify an email as junk, it does not however cite a threshold/limit/score of votes/feedback being reached until the email is classified as junk/unwanted/spam. Nor does it cite the claimed scoring algorithm. In addition, it only takes junk classification from trusted users, not just any recipient of the potential junk email.

The email system of 6,687,740 determines what emails are unwanted. While an email is determined to be unwanted when a counter is incremented to a

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tolerance/predetermined level, the disclosure does not teach the claimed scoring algorithm responsive to identification of predetermined words within the email.

Hence while there are email system to block unwanted emails, no prior art could be found to teach the claimed unwanted email detection system using a scoring algorithm, user feedbacks/votes and an associated threshold. In particular, no prior art could be found to teach the claimed email system wherein based on the message size and identification of predetermined words, a scoring algorithm is used to identify the received email message as a potentially unwanted email message. Email recipients then provide feedback as to whether the email is unwanted. And when the feedbacks/votes reach a threshold/score the email is identified as being positively unwanted.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AZIZUL CHOUDHURY whose telephone number is (571)272-3909. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Krista Zele can be reached on (571) 272-7288. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Azizul Choudhury/

Examiner, Art Unit 2453

/Krista M. Zele/

Supervisory Patent Examiner, Art Unit 2453